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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,667	12/20/2005	Toni Jane Cherrett	920670-100964	7853
23644 7590 07/28/2008 BARNES & THORNBURG LLP P.O. BOX 2786 CHICAGO, IL 60690-2786				
EXAMINER ABBOTT, YVONNE REINIE				
ART UNIT 3644		PAPER NUMBER		
NOTIFICATION DATE 07/28/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent-ch@btlaw.com

Office Action Summary

Application No.

10/561,667

Applicant(s)

CHERRETT, TONI JANE

Examiner

Yvonne R. Abbott

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16 and 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

2. The abstract of the disclosure is objected to because in the last sentence, the word "means" should be omitted. Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claim 10 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 10 depends from itself.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen (2131495). Allen shows an animal coat comprising: two side portions arranged to hang down from the animal's back alongside respective sides of the animal's body; a neck opening defined by said side portions, and arranged to engage around the animal's neck; and two leg holders (L), each secured to an inner face of the coat at the rear part of a respective one of the side portions, and arranged to receive a respective hind leg of the animal; wherein the leg holders are continuous, made of stretch material (elastic), and are above the lower level of the side portions; and wherein each of the leg holders appear to have a depth that is between 10-30% of the maximum circumference of the leg holder (where circumference is defined as $\pi \times \text{diameter}$); and further comprising closure means (S) for joining the two side portions.

6. Claims 1-4 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sayles (1218004). Sayles shows an animal coat comprising: two side portions arranged to hang down from the animal's back alongside respective sides of the animal's body; a neck opening defined by said side portions, and arranged to engage around the animal's neck; and two leg holders (4), each secured to an inner face of the coat at the

rear part of a respective one of the side portions, and arranged to receive a respective hind leg of the animal; wherein the leg holders are continuous, made of stretch material (elastic), and are above the lower level of the side portions; and further comprising closure means (7) for joining the two side portions.

7. Claims 1-3 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown (Des. 413186). Brown shows an animal coat comprising: two side portions arranged to hang down from the animal's back alongside respective sides of the animal's body; a neck opening defined by said side portions, and arranged to engage around the animal's neck; and two leg holders, each secured to an inner face of the coat at the rear part of a respective one of the side portions, and arranged to receive a respective hind leg of the animal; wherein the leg holders are continuous, and are above the lower level of the side portions; and further comprising closure means for joining the two side portions.

8. Claims 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Paul (5177940). Paul shows an animal coat comprising: two side portions arranged to hang down from the animal's back alongside respective sides of the animal's body; and means for retaining at least one of said side portions in a raised position and releasing that side portion to a lowered position; wherein said retaining means comprises a plurality of tapes (13) secured to the coat and means for securing said tapes in a position in which said at least one side portion is in a raised position (Fig. 4); and

wherein said retaining means is arranged to retain both of said side portions in raised positions and to release said side portions to lowered positions.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 5-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Sayles ('004) in view of McComb (5341765). Although Sayles shows leg holders, it does not show that they have a depth between 8-30% of the circumference of the leg holders. McComb teaches that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide leg holders with more depth in order to better protect the legs from injury, provide more warmth, or more cushioning and comfort to the animal as it lays down.

11. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sayles ('004) in view of Paul ('940). Although Sayles shows an animal coat having side portions, it does not show means for retaining the side portions in a raised position. Paul shows an animal coat comprising: two side portions arranged to hang down from the animal's back alongside respective sides of the animal's body; and means for retaining at least one of said side portions in a raised position and releasing that side portion to a lowered position; wherein said retaining means comprises a plurality of

Art Unit: 3644

tapes (13) secured to the coat and means for securing said tapes in a position in which said at least one side portion is in a raised position (Fig. 4); and wherein said retaining means is arranged to retain both of said side portions in raised positions and to release said side portions to lowered positions. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the retaining tapes taught by Paul on the Sayles coat in order to allow the coat to be conveniently stored while remaining attached to the animal, or to allow easy temporary access to the animal's hind quarters for milking, examination, shearing, ... etc.

12. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown ('186) in view of Brezinski (6584939). Brown shows the coat of claim 1. Brezinski teaches that it would have been obvious to make an animal coat using a method of measuring dimensions of an animal, transferring those dimensions to a pattern, making an animal coat from that pattern, and fitting the coat to an animal (col. 6, lines 39-67) in order to ensure that the coat fits comfortably on the animal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne R. Abbott whose telephone number is (571) 272-6896. The examiner can normally be reached on Monday-Thursday 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mansen can be reached on (571) 272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yvonne R. Abbott/
Primary Examiner, Art Unit 3644